

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

NATIONAL ELECTRICAL BENEFIT FUND,  
by its TRUSTEES, JON F. WALTERS and  
D.R. BORDEN, JR.,

Plaintiffs

vs.

C.A. No. 05-10969 NMG

UPPER CAPE ELECTRICAL, INC.,  
Defendant

and

CAPE COD BANK & TRUST COMPANY,  
Trustee

**MOTION TO PARTIALLY DISSOLVE ATTACHMENT BY TRUSTEE PROCESS**

Now comes the Plaintiff in the above-entitled matter and respectfully requests that this honorable Court dissolve the Plaintiff's attachment by trustee process of the bank accounts of Defendant Upper Cape Electrical, Inc., but only with regard to those attachments made in the amounts of \$191.66 and \$1,597.55, as reflected in the Trustee's Answer dated September 14, 2005. The Plaintiff respectfully requests that this Court maintain the Plaintiff's prior attachment in the amount of \$5,870.88, as reflected in the Trustee's Answer of August 25, 2005. In support thereof, Plaintiff states that this honorable Court granted its *Ex Parte* Motion for Attachment by Trustee Process on August 10, 2005, after which time the Summons to Trustee was served upon the Trustee bank, resulting in the attachment of \$5,870.88 as reflected in the Trustee's Answer of August 25, 2005. The Plaintiff further states that a second Summons to Trustee was

inadvertently served upon the Trustee bank sometime after the initial attachment of August 25, 2005.

WHEREFORE, Plaintiff respectfully requests that this honorable Court dissolve the Plaintiff's attachment by trustee process of the bank accounts of Upper Cape Electrical, Inc. as reflected in the Trustee's Answer dated September 14, 2005.

Respectfully submitted,

NATIONAL ELECTRICAL BENEFIT  
FUND, by its TRUSTEES, JON F.  
WALTERS and D.R. BORDEN, JR.,

By their attorneys,

/s/ Gregory A. Geiman  
Gregory A. Geiman, Esquire  
BBO #655207  
Mary T. Sullivan, Esquire  
BBO #487130  
Segal, Roitman & Coleman  
11 Beacon Street  
Suite #500  
Boston, MA 02108  
(617) 742-0208

Dated: September 23, 2005

#### **CERTIFICATE OF SERVICE**

I hereby certify that the foregoing Motion to Partially Dissolve Attachment by Trustee Process has been served by first class mail upon the Defendant, Upper Cape Electrical, Inc., by its attorney Michael M. Burke at 116 Long Pond Road, Suite #6, Plymouth, MA 02360 this 23<sup>rd</sup> day of September, 2005.

/s/ Gregory A. Geiman  
Gregory A. Geiman, Esquire